

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DONALD GENE BLANTON,	)	
ID # 1307891,	)	
Petitioner,	)	
vs.	)	No. 3:17-CV-383-B
	)	
LORIE DAVIS, Director,	)	
Texas Department of Criminal	)	
Justice, Correctional Institutions Division,	)	
Respondent.	)	


ORDER OF THE COURT ON RECOMMENDATION REGARDING  
REQUEST TO PROCEED ON APPEAL WITHOUT PAYMENT OF FILING FEE  
AND REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders that the request to proceed on appeal without payment of the appellate filing fee (doc. 36) is **DENIED**. The application for leave to proceed *in forma pauperis* on appeal (doc. 36) is **DENIED** because the Court certifies pursuant to Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith and that the appeal presents no legal points of arguable merit and is therefore frivolous.

Although this court has certified that the appeal is not taken in good faith under 28 U.S. C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), the movant may challenge this finding pursuant to *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997), by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order.

The Clerk's Office is **DIRECTED** to forward the motion (doc. 36) to the Fifth Circuit.

DATE: AUGUST 15, 2017

  
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JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE